

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

CALAMOS ASSET MANAGEMENT, INC.,

Plaintiff,

v.

TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA,
Defendant.

Case No. _____

**DEFENDANT'S NOTICE OF REMOVAL
PURSUANT TO 28 U.S.C. §§ 1332, 1441, and 1446**

TO: CLERK OF THE COURT OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant Travelers Casualty and Surety Company of America (“Travelers”) respectfully submits this Notice of Removal of this action from the Superior Court of the State of Delaware to the United States District Court for the District of Delaware. In support of removal, Travelers states as follows:

PROCEDURAL HISTORY AND TIMELINESS OF REMOVAL

1. On September 7, 2018, Plaintiff Calamos Asset Management, Inc. (“Calamos”) filed a complaint in the Superior Court of the State of Delaware captioned *Calamos Asset Management, Inc. v. Travelers Casualty and Surety Company of America*, Case No. N18C-09-055 PRW (CCLD). (*See* Complaint, Ex. 1)

2. On September 17, 2018, Travelers received the Complaint and a summons by certified mail. (*See* Ex. 2)

3. This removal notice is timely under 28 U.S.C. § 1446(b) because it has been filed within thirty (30) days of Travelers’ receipt of the complaint, through service or otherwise.

4. Pursuant to 28 U.S.C. § 1446(a), copies of all state court processes, pleadings, and orders available from the Delaware Superior Court docket are attached hereto, along with a copy of the Superior Court docket. (*See* Exhibits 1-3)

BASIS FOR REMOVAL JURISDICTION

5. Removal is proper because this Court has jurisdiction over this civil action under 28 U.S.C. § 1332(a) given that complete diversity of citizenship exists between the parties and the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

6. Plaintiff Calamos is a Delaware corporation with a principal place of business at 2020 Calamos Court, Naperville, Illinois. (*Ex. 1, ¶ 4.*)

7. Defendant Travelers is an insurance company incorporated in Connecticut with a principal place of business at One Tower Square, Hartford, Connecticut. (*See id. ¶ 5.*)

8. Accordingly, complete diversity of citizenship exists between the parties in satisfaction of 28 U.S.C. § 1332(a).

9. Further, Travelers is not a citizen of Delaware; therefore, Travelers is not prohibited from removing this action. *See* 28 U.S.C. § 1441(b)(2).

10. With respect to the amount in controversy, Calamos demands damages in excess of \$1,000,000. (*See id. at 14, Prayer for Relief.*)

11. Under 28 U.S.C. § 1441(a), any civil action brought in a State court of which the district courts of the United States have original jurisdiction may be removed to the district court of the United States for the district and division embracing where such action is pending.

12. Removal of this action to this Court is therefore proper because the Delaware Superior Court is located within the geographic area embraced by the United States District Court for the District of Delaware. *See* 28 U.S.C. § 87.

13. For these reasons, this Court has original jurisdiction over this action and it is removable to this Court.

NOTICE TO ADVERSE PARTIES AND STATE COURT

14. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be promptly filed with the Clerk of the Court of the Delaware Superior Court, and served on counsel of record for Plaintiff Calamos.

Respectfully submitted,

ECKERT SEAMANS CHERIN &
MELLOTT, LLC

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Dated: September 28, 2018